

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR MDL No.: 15-md-02666 (JNE/FLN)
WARMING PRODUCT LIABILITY
LITIGATION

This Document Relates To:

MARY TAYLOR,

Civil Action No.: 17-CV-02319-JNE-FLN

Plaintiff,

**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Mary Taylor in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1068] filed on February 1, 2018.
3. Ms. Taylor contacted Kennedy Hodges, LLP in June of 2015 regarding injuries that were allegedly caused by the Bair Hugger patient warming device.
4. Medical records and billing records pertaining to Ms. Taylor's treatment were obtained by Kennedy Hodges through its third party medical records retrieval company. Those records indicate use of a Bair Hugger device during her original orthopedic surgery.

5. This case was filed on June 28, 2017 to comply with the statute of limitations deadline.
6. Numerous phone calls were placed to Ms. Taylor and her daughter, Ms. Erika Taylor, by staff at Kennedy Hodges in an attempt to reach them and obtain information to complete the Plaintiff Fact Sheet. These calls were placed between July 2017 and November 2017, prior to and continuing after the original deadline for submission of the Plaintiff Fact Sheet.
7. Additionally, several letters were sent to Ms. Taylor during that same time period, requesting that she contact our office to complete the Plaintiff Fact Sheet.
8. On November 17, 2017, a Kennedy Hodges staff member was able to reach Ms. Erika Taylor by telephone. During this conversation, Ms. Erika Taylor stated that her mother had passed in April 2017. We were not aware of Ms. Taylor's passing prior to this date.
9. Phone calls placed to Ms. Erika Taylor after this conversation from November 2017 through February 2018 went unanswered.
10. Additionally, letters were sent to Ms. Erika Taylor between November 2017 and February 2018 requesting that she contact our office to provide an update on the probate process and the naming of a representative for the estate.
11. Based on information and belief, Ms. Erika Taylor has not made any attempt to contact Kennedy Hodges in response to these phone calls and letters.
12. As we have been unable to obtain the additional information necessary to complete the Plaintiff Fact Sheet for this claim or obtain the necessary permission and

authorization from a representative of the estate to complete and submit a revised Plaintiff Fact Sheet, we have not been able to cure the alleged deficiencies pertaining to the Plaintiff Fact Sheet that has been submitted for this case.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

February 8, 2018

/s/ Donald C. Green II
Donald C. Green II